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June 3, 2019

**Via ECFS**

Marlene J. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 - 12th Street, SW  
Washington, DC 20054

**Re: PPL Electric Utilities Corporation's Opposition to Motion to Compel  
Production of Documents (Proceeding Number 19-29; Bureau ID  
Number EB-19-MD-001)**

Dear Ms. Dortch:

Please find attached PPL Electric Utilities Corporation's Opposition to Motion to Compel Production of Documents in Proceeding Number 19-29; Bureau ID Number EB-19-MD-001.

Sincerely,



Kathleen M. Slattery  
Attorney for PPL Electric Utilities Corporation

Enclosure

cc: Lisa Saks, Enforcement Bureau  
Adam Suppes, Enforcement Bureau

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

MAW Communications, Inc., <i>Complainant,</i>	)	
	)	
	)	
v.	)	<b>Proceeding Number 19-29</b>
	)	<b>Bureau ID Number EB-19-MD-001</b>
	)	
PPL Electric Utilities Corporation, <i>Defendant</i>	)	
	)	
	)	

**OPPOSITION TO MOTION TO COMPEL PRODUCTION OF DOCUMENTS**

Pursuant to Section 1.729 of the Commission’s Rules, 47 C.F.R. §1.729, PPL Electric Utilities Corporation (“PPL”) hereby opposes the Motion to Compel Production of Documents (“Motion”) filed May 24, 2019, in the above-captioned proceeding by MAW Communications, Inc. (“MAW”). As explained below, MAW’s Motion is objectionable for several reasons.

MAW’s Revised First Set of Interrogatories, Interrogatory Number 2 requested: “Describe in detail the information that PPL contends is missing from each of MAW’s 18 applications that PPL has marked “Incomplete.” In response, PPL stated: “As explained in PPL’s Response to MAW’s Complaint, MAW’s 18 applications were not part of a holistic solution to the many problems associated with MAW’s attachments. In addition, see the reasons specified in Exhibit B for how each of these 18 applications is incomplete.”

Ignoring entirely PPL’s response that MAW’s applications were incomplete because they were not part of a holistic solution, MAW claims instead that PPL’s Exhibit B list of the additional reasons why each of the 18 applications was incomplete is insufficient. MAW claims

the reasons listed in PPL's Exhibit B list are "very limited," "unclear," and "fail to match the descriptions provided in the PPL online application portal," a list of which MAW attaches as Exhibit 1 to its Motion.<sup>1</sup>

Although MAW's instructions for its Revised First Set of Interrogatories do not explain the narrative MAW expects to receive in response to MAW's request to "describe in detail," PPL believes its response to MAW's interrogatory does describe in detail why MAW's applications are incomplete. Whatever the case, MAW's Motion does not request that PPL supplement its interrogatory response to address MAW's above-noted concerns. Instead, the Motion seeks a Commission order that PPL be compelled to produce documents, in the form of "screen shots of the portal pages or any other communication by PPL to MAW describing these applications to show the information provided about how they are incomplete."

This request to compel document production is objectionable for several reasons. First, these documents are already available to MAW, so that MAW's request violates the Section 1.730(b) requirement that information sought in response to interrogatories be "not available from any other source."<sup>2</sup> All communications "by PPL to MAW" should already be in MAW's possession, and MAW can produce screen shots of the portal pages just as easily as PPL.

Second, as explained above, the Motion is not really a motion to compel a better response to MAW's interrogatory, it is instead a motion to expand discovery to include document production.

Third, the Motion improperly inserts a legal allegation that PPL did not properly inform MAW of the reasons why MAW's applications were incomplete, and supports that legal

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<sup>1</sup> MAW also suggests that somehow PPL's Exhibit B list of applications is deficient, claiming PPL's Exhibit B is a list of "certain applications." Motion at 2. Contrary to the MAW's suggestion, all 18 applications are identified, and each of the 18 applications is identified using the exact same description and exact same application number (or lack thereof) as appears in the document MAW attached to its Motion at Exhibit 1. Only the order in which these applications are listed is slightly different.

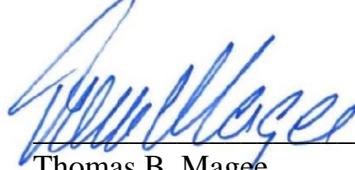
<sup>2</sup> 47 C.F.R. §1.730(b).

allegation with a factual allegation that MAW received very limited communications from PPL about why its applications were incomplete. If MAW wants to make additional legal and factual claims, it appears the proper course would be to request leave to amend the procedural schedule to receiving briefing on those claims, so that PPL would have the opportunity to respond.

Fourth, the absence of any certification by MAW indicates that MAW did not make a good faith effort to resolve the dispute prior to filing its Motion, as required by Section 1.729(b).

For all of these reasons, PPL respectfully requests that the Commission deny MAW's Motion.

Respectfully submitted,



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*Attorneys for PPL Electric Utilities Corporation*

June 3, 2019

## CERTIFICATE OF SERVICE

I, Kathleen M. Slattery, hereby certify that on this 3<sup>rd</sup> day of June 2019, a true and authorized copy of PPL Electric Utilities Corporation's Opposition to Motion to Compel Production of Documents was served on the parties listed below via electronic mail, unless noted otherwise, and was filed with the Commission via ECFS.

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